

PATENT

Attorney Docket No. 04189.0079-03

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

HAUPTMAN et al.

Serial No.: 08/383,676

Group Art Unit: 1812

Filed: February 1, 1995

Examiner: K. Carlson

For: TNF RECEPTORS, TNF BINDING  
PROTEINS AND DNA'S ENCODING  
THEMAssistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

TRANSMITTAL LETTER

Enclosed is a response to the Office Action mailed  
May 24, 1995. The items checked below are appropriate:

1. ☒ Applicants hereby petition for a three month extension  
of time to respond to the above Office Action. The fee  
of \$900.00 for the Extension is enclosed.
2. ☐ A fee of \$\_\_\_\_\_ to cover the cost of the  
additional claims added by this response is enclosed.
3. ☒ A check for \$900.00 to cover the above fees is enclosed.

If there are any other fees due in connection with the filing  
of this response, please charge the fees to our Deposit Account  
No. 06-916. If a fee is required for an extension of time under  
37 C.F.R. 1.136 not accounted for above, such an extension is re-  
quested and the fee should also be charged to our Deposit Account.

Date November 22, 1995By: M. Paul BarkerM. Paul Barker  
Reg. No. 32,013Finnegan, Henderson, Farabow,  
Garrett & Dunner  
1300 I Street, N.W.  
Washington, D.C. 20005-3315  
(202) 408-4000

**OFFICIAL**FAX CENTER  
RECEIVEDFINNEGAN, HENDERSON, PARABOW, GARRETT & DUNNER, L.L.P.  
1300 I Street, N.W.  
Washington, D.C. 20005-3315  
(202) 408-4000

FEB 16 1996

GROUP 1800

Facsimile

(202) 408-4400

Telex

RCA 248740 FHFGD

FACSIMILE TRANSMITTAL

Subject: 04189.0079-03000Date: February 15, 1996

TO U.S. Serial No. 08/383,676

FROM

Name: Examiner K. CarlsonName: M. Paul BarkerFirm: U.S.P.T.O.No. of Pages (Incl. this page) 16Fax No.: (703) 308-0294

Attorney Approval

MPB/

Message:

Enclosures:

LETTER AND CHANGE OF ADDRESS  
COPY NOTICE OF ABANDONMENT  
COPY RECEIPT-STAMPED POST-CARD (22NOV95)  
COPY PETITION FOR EXTENSION OF TIME FILED 22NOV95  
COPY OF RESPONSE FILED 22NOV95  
COPY OF ASSOCIATE POWER OF ATTORNEY  
COPY OF RECEIPT-STAMPED POST-CARD (25AUG95)

This facsimile is intended only for the individual to whom it is addressed and may contain information that is privileged, confidential or exempt from disclosure under applicable law. If you have received this facsimile in error, please notify us immediately by telephone (collect), and return the original message to us at the above address.

PATENT

Attorney Docket No. 04189.0079-03

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

HAUPTMAN et al.

Serial No.: 08/383,676

Filed: February 1, 1995

For: TNF RECEPTORS, TNF BINDING )  
PROTEINS AND DNA'S ENCODING )  
FOR THEM )

Group Art Unit: 1814

Examiner: K. Carlson

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

LETTER AND CHANGE OF ADDRESS

The office of the undersigned received the enclosed Notice of Abandonment mailed January 24, 1996. For the following reasons, this Notice was mailed in error. Accordingly, applicants request that the U.S. Patent and Trademark withdraw the Notice and indicate on the record that the application was not abandoned.

Applicants enclose a copy of the receipt-stamped post-card that indicates receipt of the Petition for Extension of Time (three months), \$900.00 check, and the Response, which were filed timely on November 22, 1995 (copies of those documents are also enclosed). (The due date for the statutory six month period for response was November 24, 1995.) Since applicants timely filed the Petition for Extension of Time, \$900.00 check, and Response, the case should not have been abandoned.

Accordingly, the Notice of Abandonment is erroneous. The undersigned respectfully requests that the Examiner call the undersigned if any additional information is needed to resolve this matter.

LAW OFFICES

FINNEGAN, HENDERSON,  
FARABOW, GARRETT  
& DUNNER, L.L.P.  
1300 I STREET, N.W.  
WASHINGTON, DC 20005  
202-406-4000

Also, the Associate Power of Attorney filed August 25, 1995, (copy enclosed with receipt-stamped post-card) directed the U.S. P.T.O. to mail future correspondence to:

M. Paul Barker  
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER  
1300 I Street, N.W.  
Washington, D.C. 20005-3315

The erroneous Notice of Abandonment was sent to Sterne, Kessler, Goldstein & Fox. The undersigned respectfully requests that all future correspondence be sent to Finnegan, Henderson et al. at the above-noted address.

The Commissioner is hereby authorized to charge any additional fees (or credit any overpayment) associated with this communication to our Deposit Account No. 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to our Deposit Account.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER

By:




M. Paul Barker  
Reg. No. 32,013

Dated: February 15, 1996

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this LETTER and enclosures including copies of the Notice of Abandonment, the receipt-stamped post-card (22NOV95), the previously submitted (22NOV95) Petition for Extension of Time and the Response, the Associate Power of Attorney and the receipt-stamped post-card (25AUG95) is being facsimile transmitted to the Patent and Trademark Office on February 15, 1996.



M. Paul Barker

LAW OFFICES

FINNEGAN, HENDERSON,  
FARABOW, GARRETT  
& DUNNER, L.L.P.  
1300 I STREET, N.W.  
WASHINGTON, DC 20005  
202-406-4000

SING/MPB


**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

 Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

04189-0079-03

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
00/393,676	02/01/95	HAUPTMANN	R 1512.0010003

 1SM2/01247  
 STERNE KESSLER GOLDSTEIN & FOX  
 1100 NEW YORK AVENUE, N.W., SUITE 600  
 WASHINGTON, DC 20005-3934

EXAMINER	
ART UNIT	PAPER NUMBER
1814	21

DATE MAILED:

01/24/96

**NOTICE OF ABANDONMENT**

This application is abandoned in view of:

1. ☒ Applicant's failure to respond to the Office letter, mailed 5-24-95 #20
2. ☐ Applicant's letter of express abandonment which is in compliance with 37 C.F.R. 1.138.
3. ☐ Applicant's failure to timely file the response received \_\_\_\_\_ within the period set in the Office letter.
4. ☐ Applicant's failure to pay the required issue fee within the statutory period of 3 months from the mailing date of \_\_\_\_\_ of the Notice of Allowance.
  - ☐ The issue fee was received on \_\_\_\_\_
  - ☐ The issue fee has not been received in Allowed Files Branch as of \_\_\_\_\_

In accordance with 35 U.S.C. 151, and under the provisions of 37 C.F.R. 1.316(b), applicant(s) may petition the Commissioner to accept the delayed payment of the issue fee if the delay in payment was unavoidable. The petition must be accompanied by the issue fee, unless it has been previously submitted, in the amount specified by 37 C.F.R. 1.17(l), and a verified showing as to the causes of the delay.

If applicant(s) never received the Notice of Allowance, a petition for a new Notice of Allowance and withdrawal of the holding of abandonment may be appropriate in view of *Delgar Inc. v. Schuyler*, 172 U.S.P.Q. 513.

5. ☐ Applicant's failure to timely correct the drawings and/or submit new or substitute formal drawings by \_\_\_\_\_ as required in the last Office action.
  - ☐ The corrected and/or substitute drawings were received on \_\_\_\_\_
6. ☐ The reason(s) below.

 ROBERT A. GEAR  
 SUPERVISORY PATENT EXAMINER  
 GROUP 180

PETITION DUE 3/24/96

 DELTD  
 1/31/96  
 JH

5461-PPB

#25/E

JH

PLEASE STAMP TO ACKNOWLEDGE RECEIPT OF THE FOLLOWING:  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application Of:

HAUPTMANN, et al.

Serial No. 08/383,676

Filed: February 1, 1995

For: TNF RECEPTORS, TNF BINDING )  
PROTEINS AND DNA'S ENCODING )  
FOR THEM )

Group Art Unit: 1812

Examiner: K. Carlson



Enclosed: 1. RESPONSE;  
2. PETITION FOR A THREE MONTH EXTENSION OF  
TIME/w/CHECK \$900.00 (Extension Fee); and  
3. CHECK \$900.00.

Dated: November 22, 1995

Docket No. 04189.0079.03

DUE DATE: November 24, 1995

MPB/jbs MD#852

RECEIVED NOV 22 1995

Slates 5/20/96

04189  
11/22/95  
WHS